

### REMARKS

In the Office communication electronically delivered January 8, 2008, restriction to one of the following is required:

Groups 1-139 (claim(s) 1-4) drawn to a method for identifying a mammal that will respond therapeutically to a method of treating cancer by measuring the level of a biomarker selected from the listing in Tables 4 and 5, wherein each biomarker is a separate group.

In response to the requirement, Applicant elects the biomarker mucin 2 (which is provided in the specification in Table 4 (page 53) and Table 5 (page 67)), without traverse. Applicant also notes that the fourteen biomarkers provided in Table 5 are included in Table 4, so it is believed that the Examiner intended a restriction of 125 groups (Table 4) rather than a restriction of 139 groups.

In the present amendment, claim 2 has been canceled, and claims 1, 3 and 4 have been amended. No new matter is believed to be added.

### CONCLUSION

In view of the foregoing, Applicant submits that the application is now in condition for examination on the merits. Early notification to such action is earnestly solicited.

The Commissioner is authorized to charge Deposit Account 19-3880 (Bristol-Myers Squibb Company) for any requisite fees due or to credit any overpayment.

Respectfully submitted,

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